

**R307. Environmental Quality, Air Quality.****R307-401. Permit: Notice of Intent and Approval Order.****R307-401-1. Notice of Intent Required.**

(1) Except for the exemptions listed in R307-413, any person intending to construct a new installation which will or might reasonably be expected to become a source or an indirect source of air pollution or to make modifications or relocate an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air contaminants discharged, so that such installation may be expected to become a source or indirect source of air pollution, or any person intending to install a control apparatus, or other equipment intended to control emission of air contaminants from a stationary source, shall submit to the executive secretary a notice of intent and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall include the information described in R307-401-2 to determine whether the proposed construction, installation, modification, relocation or establishment will be in accord with applicable requirements of these rules. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the executive secretary shall advise the applicant of any deficiency in the notice of intent or the information submitted. The executive secretary shall transmit to the Administrator, EPA, a copy of each notice of intent for each major source or major modification and provide notice to the Administrator, EPA, of every action related to the consideration of such permit.

(2) Stationary sources that were in existence prior to November 29, 1969, that have not made any modifications or relocations since that date are not required to submit a notice of intent or to have an approval order; however, these sources are subject to all other applicable requirements of Title R307 and actions taken by the executive secretary and the Board pursuant to existing statutory authorities.

**R307-401-2. Notice of Intent Requirements.**

The following information, where applicable, shall be submitted with the notice of intent:

(1) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

(2) Expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air contaminant types, and concentration of air contaminants.

1       (3) Size, type and performance characteristics of any  
2 control apparatus.

3       (4) Location and elevation of the emission point and other  
4 factors relating to dispersion and diffusion of the air  
5 contaminant in relation to nearby structures and window  
6 openings, and other information necessary to appraise the  
7 possible effects of the effluent.

8       (5) The location of planned sampling points and the tests  
9 of the completed installation to be made by the owner or  
10 operator when necessary to ascertain compliance.

11       (6) The typical operating schedule.

12       (7) A schedule for construction.

13       (8) Any plans, specifications and related information  
14 which are in final form at the time of submission of notice of  
15 intent.

16       (9) Any other information necessary to determine if the  
17 proposed source or modification will be in compliance with R307-  
18 401-2.

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20 **R307-401-3. Review Period.**

21       Within 90 days of receipt of a complete application  
22 including all the information described in R307-401-2, the  
23 executive secretary shall either issue an order prohibiting the  
24 proposed construction, installation, modification, relocation or  
25 establishment if it is deemed that any part of it is inadequate  
26 to meet the applicable requirements of R307, or issue an order  
27 permitting the proposed construction, installation,  
28 modification, relocation, or establishment pursuant to the  
29 requirements of R307-401-5 and 6. If more time is needed to  
30 review the proposal, it shall not exceed three 30-day  
31 extensions.

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33 **R307-401-4. Public Notice.**

34       (1) Issuing the Notice. Prior to issuing an approval or  
35 disapproval order, the executive secretary shall advertise  
36 intent to approve or disapprove in a newspaper of general  
37 circulation in the locality of the proposed construction,  
38 installation, modification, relocation or establishment. A copy  
39 of the notice of intent to approve or disapprove shall be sent  
40 to the applicant, the Administrator, EPA, and to officials and  
41 agencies having cognizance over the location where the proposed  
42 construction would occur as follows: any other state or local  
43 air pollution control agencies; the chief executives of the city  
44 and county where the source would be located; any comprehensive  
45 regional land use planning agency; and any state, Federal Land  
46 Manager, or Indian Governing body whose lands may be affected by  
47 emissions from the source or modification. Any expected

1 consumption of the maximum allowable increases as stated in  
2 R307-405 and proposed emission limitations, emission amounts,  
3 and any operating limitations shall be included in the notice.  
4 The executive secretary shall consider any analysis performed by  
5 a Federal Land Manager and provided to the executive secretary  
6 within the public comment period. If the executive secretary  
7 concurs with a demonstration by the Federal Land Manager that  
8 the emissions from the proposed source or modification would  
9 have an adverse impact on the air quality related values  
10 (including visibility) in any Federal Class I area,  
11 notwithstanding that the change in air quality resulting from  
12 emissions from such source or modification would not cause or  
13 contribute to concentrations which would exceed the maximum  
14 allowable increases, the executive secretary shall not issue an  
15 approval order for the source or modification.

16 (2) Opportunity for Review and Comment.

17 (a) At least one location will be provided where the  
18 information submitted by the owner or operator, the executive  
19 secretary's analyses of the notice of intent proposal, and the  
20 proposed approval order conditions will be available for public  
21 inspection.

22 (b) Public Comment Period.

23 (i) A 10-day public comment period shall be required  
24 before an approval order is issued for a new source or for an  
25 existing source proposing to modify or relocate, if the source,  
26 modification, or relocation is not:

27 (A) subject to the requirements of R307-405, Prevention of  
28 Significant Deterioration of Air Quality (PSD);

29 (B) subject to the requirements of R307-415, Operating  
30 Permit Requirements;

31 (C) a synthetic minor source in accordance with R307-415-  
32 4(6);

33 (D) located in a nonattainment area or a maintenance area  
34 for any pollutant; or

35 (E) subject to any standard or requirement of 42 U.S.C.  
36 7411 or 7412.

37 (ii) A request to extend the length of the comment period,  
38 up to 30 days, may be submitted anytime within 10 days of the  
39 date a notice is published in a newspaper.

40 (iii) Those sources not subject to the 10-day public  
41 comment period are subject to the requirement in (iv) below.

42 (iv) For any notice of intent proposal not subject to (i)  
43 above, a 30-day public comment period is required before an  
44 approval order is issued or denied.

45 (v) A request for a hearing on the executive secretary's  
46 proposed approval or disapproval order may be submitted anytime  
47 within 10 days or 15 days of the date of a notice in a newspaper

1 under provisions of either (i) or (iv). The hearing shall be  
2 held in the area of the proposed construction, installation,  
3 modification, relocation or establishment. Any comments or  
4 statements received shall be considered before an order is  
5 issued or denied.

6 (vi) The public comment and hearing procedure shall not be  
7 required when an order is issued for the purpose of extending  
8 the time required by the executive secretary to review plans and  
9 specifications.

#### 10 11 **R307-401-5. Approval Order.**

12 Whenever the executive secretary determines that the  
13 information submitted under provisions of R307-401-2, with such  
14 revisions as may be required, are in accord with applicable  
15 requirements, the executive secretary shall issue an order  
16 permitting the proposed construction, installation,  
17 modification, relocation or establishment, with the further  
18 stipulation that all required facilities be adequately and  
19 properly maintained. Receipt of an approval order does not  
20 relieve any owner or operator of the responsibility to comply  
21 with the provisions of R307 or the State Implementation Plan.  
22 To accommodate staged construction of a large source, the  
23 executive secretary may issue an order authorizing construction  
24 of an initial stage prior to receipt of detailed plans for the  
25 entire proposal provided that, through a review of general  
26 plans, engineering reports and other information the proposal is  
27 determined feasible by the executive secretary under the intent  
28 of R307. Subsequent detailed plans will then be processed as  
29 prescribed in this paragraph. For staged construction projects  
30 the previous determination under R307-401-6 shall be reviewed  
31 and modified as appropriate at the earliest reasonable time  
32 prior to commencement of construction of each independent phase  
33 of the proposed source or modification.

#### 34 35 **R307-401-6. Conditions for Issuing Approval Order.**

36 The executive secretary shall issue an approval order if it  
37 is determined through plan review that the following conditions  
38 have been met:

39 (1) The degree of pollution control for emissions, to  
40 include fugitive emissions and fugitive dust, is at least best  
41 available control technology except as otherwise provided in  
42 Title R307.

43 (2) The proposed installation will be in accord with  
44 applicable requirements of: Utah Title R307; National Standards  
45 of Performance for New Stationary Sources; National Primary and  
46 Secondary Ambient Air Quality Standards; National Emission  
47 Standards for Hazardous Air Pollutants; new source review

1 criteria; maximum allowable increase and maximum allowable  
2 concentration requirements for Prevention of Significant  
3 Deterioration; the State Implementation Plan for the area, if  
4 the area is classified as a nonattainment or maintenance area;  
5 and new source requirements for nonattainment areas under the  
6 Federal Clean Air Act.

7 (3) The executive secretary shall issue an approval order  
8 under R307-405-6 for a major source or major modification which  
9 consumes more than 50% of the increments in R307-405-4 only  
10 after receiving the approval of the Board.  
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#### 12 **R307-401-7. Temporary Relocation.**

13 The owner or operator of a source previously approved under  
14 R307-401 or in a State Implementation Plan may temporarily  
15 relocate and operate the source at any site for up to 180  
16 working days in any calendar year not to exceed 365 consecutive  
17 days, starting from the initial relocation date. The executive  
18 secretary shall evaluate the expected emissions impact at the  
19 site and compliance with applicable Title R307 rules as the  
20 bases for determining if approval for temporary relocation may  
21 be granted. Records of the working days at each site,  
22 consecutive days at each site, and actual production rate shall  
23 be sent to the executive secretary at the end of each 180  
24 calendar days. These records shall also be kept on site by the  
25 owner or operator for the entire project, and be made available  
26 for review to the executive secretary as requested. To issue a  
27 written approval or disapproval, the executive secretary is not  
28 required to submit the temporary relocation proposal for public  
29 comment.  
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#### 31 **R307-401-8. Nonattainment and Maintenance Areas.**

32 The owner or operator of a major new source or major  
33 modification to be located in a nonattainment or maintenance  
34 area or which would impact a nonattainment or maintenance area  
35 must, in addition to the requirements in R307-401, submit with  
36 the notice of intent an adequate analysis of alternative sites,  
37 sizes, production processes, and environmental control  
38 techniques for such proposed source which demonstrates that  
39 benefits of the proposed source significantly outweigh the  
40 environmental and social costs imposed as a result of its  
41 location, construction, or modification. The executive  
42 secretary shall review the analysis. The analysis and the  
43 executive secretary's comments shall be subject to public  
44 comment as required by R307-401-4. The preceding shall also  
45 apply in Salt Lake and Davis Counties for new major sources or  
46 modifications which are considered major for precursors of  
47 ozone, including volatile organic compounds and nitrogen oxides.

**R307-401-9. Relaxation of Limitations.**

At a time that a source or modification becomes a major source or major modification because of a relaxation of any enforceable limitation which was established after August 7, 1980, on the capacity of a source or modification otherwise to emit a pollutant, such as a restriction on the hours of operation, then the preconstruction requirements shall apply to the source as though construction had not yet commenced on the source or modification.

**R307-401-10. Low Oxides of Nitrogen Burner Technology.**

(1) All sources excluding non-commercial residential dwellings shall install oxides of nitrogen control/low oxides of nitrogen burners or controls resulting from application of an equivalent technology, as determined by the Executive Secretary, whenever existing fuel combustion burners are replaced, unless such replacement is not physically practical or cost effective. The request for an exemption shall be presented to the Executive Secretary for review and approval.

(2) Contingency Requirement for Ozone Nonattainment Areas and Salt Lake and Davis Counties. If the Contingency Requirements for nitrogen oxides are triggered as outlined in Section IX.D.2.h(2) of the State Implementation Plan, all existing sources excluding non-commercial residential dwellings shall install either low oxides of nitrogen burner technology as described in (1), unless such requirement is not physically practical or cost effective, or controls resulting from application of an equivalent technology, both of which shall be determined by the executive secretary. All sources required to install new controls under (2) shall submit, within two months after the trigger date, either a schedule for installing the equipment or a request for an exemption. The required equipment shall be operational as soon as practicable or within a reasonable time agreed upon by the source and the executive secretary.

**R307-401-11. Eighteen Month Review.**

Approval orders issued by the executive secretary in accordance with the provisions of R307-401 shall be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the executive secretary may revoke the approval order.

1   **KEY:  air pollution, permits, approval order\***  
2   **September 15, 1998**  
3   **Notice of Continuation:  August 11, 2003**  
4   **19-2-104(3)(q)**  
5   **19-2-108**  
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